

TOWN COUNCIL MEETING
August 15, 2011

The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry.

PRESENT: Town Council: Chairman Sean O’Keefe; Vice Chairman Joe Green; Councilors: John Farrell, Tom Freda; Town Manager Dave Caron; Executive Assistant, Margo Lapietro. Absent: Tom Dolan.

CALL TO ORDER

Chairman O’Keefe opened the meeting at 7:04 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country, including a 30 member SEAL Team that was recently killed in Afghanistan.

PUBLIC COMMENT

Board/Committee/Commission Updates

Southern NH Planning Commission – Dir. David Preese and Londonderry Representative Sharon Carson of the Southern NH Planning Commission (SNHPC) informed the Council that this year they were celebrating their 45 year of being a regional planning commission. He reviewed their formation and goals for the 13 municipalities that they currently represent. They are the largest regional planning commission and metropolitan planning organization in NH. Their number one priority is to provide services to the local communities. He proceeded to pass out a letter that listed their basic services provided to their dues-paying member municipalities. Sharon Carson reviewed the services which SNHPC provides and stated they have an extremely professional staff and are very aware of what is going on in Concord. They serve as a resource for planning, housing, transportation and business development. D. Preese said they are working with our Planning Dept. to develop an energy chapter for the Master Plan to help reduce energy and gain an energy savings. Councilor Freda asked if they have been involved with the Woodmont project. D. Preese said they are very familiar with the project. They are preparing a critical review of a development of a regional impact to include environmental, traffic and land use. Councilor Freda questioned if that included the impacts to the entire region including I-93. He responded yes, they will look at all the features of the development and make their findings to the Planning Board for their consideration. He explained it is like a mini-environmental impact statement. Chairman O’Keefe thanked them for their valuable service. Councilor Freda said one of the services listed in the letter is that they provide traffic counts for locations requested by local authorities. He asked if the information is available, and D. Preese responded it is on their website. Dir. of Community Development Andre Garron said the SNHPC does provide traffic counts for the town and he has copies of them since 1999 which are available to the public. Councilor Green asked if it is being done at Woodmont; D. Preese responded SNHPC could do that. D. Preese said they have a traffic model which can project traffic impacts given the current traffic counts at intersections. Councilor Farrell questioned that if we got a report from a developer and we thought the report was deficient we could give that to you and you can put it into his model and verify it. D. Preese responded that is correct and we provide the service to

review any traffic studies to make sure that they are sound. A. Garron complimented SNHPC stating that over the last 8 years the information they provide is extremely helpful.

Maria Newman - Alternate Position on the Planning Board - Maria Newman said she has lived here for 14 years and has volunteered for the school district for many years and was PTO president at one of the schools. She explained she is a graduate of the Leadership Londonderry program. Councilor Green asked her how she could best effect change going forward to the Board, what she can add to the Board. She said living here 14 years helps; she has seen the growth, and the positive changes coming to the town. She feels she can listen and learn and give some good input. He asked her what she thought of Woodmont. She responded generally she is for it, she has been following it but she has no preconceived notions of it. She said she is for growth in town and it has to be very carefully decided on. Councilor Freda and Chairman O'Keefe thanked her for volunteering. Town Manager Caron said there was another interested candidate who could not make it tonight and was scheduled for the 9/12/11 meeting. The consensus was to move forward tonight. **Council's vote to appoint Maria Newman to an alternate position on the Planning Board was approved, 4-0-0.**

Kathy Wagner gave her update of Old Home Day, and stated that this is the 112th annual celebration. It is being held from 8/17/11 – 8/21/11, and she reviewed the schedule of events and listed the major contributors.

Open Space Taskforce Report - Mike Speltz and John Vogl of the Taskforce were in attendance and acknowledged and thanked the members and staff. He said that a copy of this report was sent to the Director of Research at the Forest Society and he said it is probably the best Open Space Plan in the state that he has seen. M. Speltz reviewed the mission to develop a plan to fulfill the Master Plan mandate to protect the natural resources needed to sustain a livable Londonderry. The scope of work was done in five phases. He reviewed:

Open Space Inventory and Status as of December 2010
Stewardship
Land Characteristics and Liabilities
Land Protection methods
Identification of Priority Natural Resources
Summary of Natural Resource Indicators
Public Opinion Survey
Strengths, Weakness, Opportunities and Threats
Financial plan

The report came to the following Conclusions:

Conclusion 1 – Continuing to protect open spaces
Conclusion 2 – Developing a comprehensive stewardship plan for all town-owned land
Conclusion 3 – Protection of water resources
Conclusion 4 – Education/Outreach
Conclusion 5 – Recreation on town owned land
Conclusion 6 – Land use regulations/policies
Conclusion 7 - Funding

Currently the town spends 2.7% of its town budget on open space. The financial plan recommends a level steady approach maintaining the 2.7% which would keep the bond payments below \$900,000 for the next 20 years. Councilor Farrell said according to his presentation open space is going to come to the CIP for \$9M in the next 6 years. M. Speltz said no it will be just about \$1M each year with \$4M in 2025. J. Vogl explained as the current bonds are paid off it allows some room for a new bond to be released and paid for keeping the total tax burden under 2.7%. M. Speltz said the CIP request is for \$2M. Councilor Freda asked why they were anticipating funding needs if the town was being assumed to be built out in 15 years as indicated. M. Speltz responded he wouldn't. The report recommends creating a taskforce to complete a comprehensive stewardship plan using the Land Use Change Tax (LUC) to create a non-lapsing account to fund it.

PUBLIC HEARING

OLD BUSINESS

Conservation – Commission Decision on the Use of Funds for Debt Service Payment – Town Manager Caron explained that the Council on 6/20/11 asked that the Conservation Commission consider allocating \$50K from their Land Use Funds towards helping pay debt service incurred for Open Space acquisitions. The Commission notified the Council that they would allocate using \$50K for the FY13 debt and to authorize the expenditure of 5% of the total funds collected through the LUC tax beginning July 1st to be applied to the FY14 Open Space debt service. Chairman O'Keefe stated that they appreciate it.

NEW BUSINESS

Community Development Office Staffing Levels – Community Development Director Andre Garron was in attendance. He explained that there is an existing opening in the Community Development Dept. for a Town Planner position. He proceeded to explain the job requirements and responsibilities of the position. He compared the Community Development staffing levels and salary with similar communities. He reviewed the current construction projects under development. Councilor Freda said one of the duties for the position involves acting in the absence of the Director. Councilor Freda asked what kind of delays are being experienced with developers. A. Garron responded right now there have not been delays in the process, however, other responsibilities and projects staff is currently working are being delayed or deferred with the absence of a Town Planner. Councilor Green questioned if the salary range caps at \$67K; A. Garron responded it is currently in the LAEA contract. Councilor Freda asked if the projects that are current are major compared to prior projects. A. Garron responded they are comparable within the past 5 years. Woodmont has a lot of moving parts due to it being a PUD and is very complex compared to looking at one development. Councilor Farrell said the developers define the complexity. Town Manager Caron recommends the position be filled. He further stated that in previous years the Councilors' goal has been to drive revenues and enhance economic development. He also pointed out that A. Garron's duties were increased 2 years ago with the consolidation of the Building Department and the Planning Department. **Council's vote to fill the position was 3-1-0, with Councilor Green opposed.**

Ordinance #2011-07 – Relative to an Amendment to Title I, Chapter XXVI, Prohibited Activities on Town Property. Councilor Farrell read the first reading, public hearing scheduled for 9/12/11 and made a motion to adopt, second Councilor Green. Chairman O’Keefe said he thinks we already have enough rules and regulations in place; just call the police when you see something like that going on. Town Manager Caron said the Ordinance is proposed to assist the Police Department with specific enforcement authority. He said he asked our property and liability insurance carrier regarding potential exposure as the Town is now aware of this activity; he is awaiting input from both the Police Department and our insurance carrier. **Council’s vote was 4-0-0.**

Ordinance #2011-08 – Review and Revisions to the Municipal Code, Title I, Chapter XXIV, Title II, Chapters I-X; and Title IV, Chapter III - Councilor Farrell made a motion to waive the reading and schedule a public hearing scheduled for 9/12/11, second Councilor Freda. Town Manager Caron said there is only one Chapter remaining to review in Title I, which is the Cable Division operations. It has been condensed, and delegates development of procedures to the Cable Director. The changes in Title II in the Traffic Safety Code clarify the Traffic Safety Committee’s responsibilities and update some statutory references. The only significant change is amending the noise restriction hours from 10:00PM to 10:00AM to 10:00PM to 7:30AM based upon the police prosecutor’s recommendation. Title IV under Fire Prevention reflects the operational changes with the Building Dept. as contemplated in the FY12 budget. All the changes require a public hearing to be held on 9/12/11. **Council’s vote 4-0-0.**

Ordinance #2011-09 – An Amendment to the Zoning Ordinance Relating to Rezoning Map 15, Lots 183, 184 and 185, Mammoth Road; and Map 13, 96B, Rockingham Road to C-11. Councilor Freda read the first reading, and made a motion for the second reading on 9/12/11, second Councilor Farrell. **Council’s vote was 4-0-0.**

Resolution 2011-12 – Public Safety Dispatch Services Study Committee - Councilor Freda read the first reading and made a motion to adopt, second Councilor Farrell. Councilor Farrell suggested changing the Charge to eliminate the budget committee member and change it to a school board member. Councilor Green said he would like to add another member from the public. The consensus was to have a total of 9 members, keep the budget member, add a school board member, and add 1 more member of the public. Town Manager Caron explained the target dates are to have interested citizens express their interest by 9/7/12 and having the final report by 12/29/11 to allow inclusion of any budgetary implications from the Council’s decision on this matter in the FY13 budget. Councilor Green said he thinks it is very important to have an outside consultant review the recommendations; he asked if there is money set aside to get an outside consultant. Town Manager Caron said if there is a need for a consultant he will have to identify the funding source. Chairman O’Keefe said a consultant should be part of the process. Councilor Green restated he would like to have an outside consultant. Town Manager Caron suggested he would favor hiring an outside consultant to give the Committee advice, however the Committee should be empowered to proceed as they determine. Councilor Farrell said if you choose a taskforce you have to empower them and leave the decision to the committee. Councilor Green questioned whether we would authorize the spending now or later. Town Manager Caron responded he is suggesting the committee come to him and let him know how much money they will need and he would identify the location of the funds before granting approval. **Council’s vote was 4-0-0.**

Resolution #2011-13 – Dog Park Study Committee – Councilor Farrell made a motion to adopt, second Councilor Freda. Dottie Grover, 537 Mammoth Road said she has received positive feedback from the community and informed Council that there are approximately 4,000 registered dogs in town. She said she has 4 volunteers who have already expressed an interest in serving on the board but said she would like to have 7 public members on the committee. She said she is concerned about having a final report by 12/29. She said she would rather Council look at this in the FY14 budget process with interim reports. Her intention is to get funding from other sources than taxes. Councilor Farrell recommended removing the Town Councilor from the Charge and replacing with a Planning Board member, D. Grover clarified she is looking for 7 public members to total 9 members. The report date on the Charge was changed to 12/28/12 and the membership was increased according to above. **Council's vote was 4-0-0.**

Resolution #2011-14 – Transfer of an Easement to the Rockingham County Conservation District – Councilor Farrell made a motion to continue Resolution 2011-14 until the September 12 meeting, after we have had time to study the Open Space Report and Councilor Dolan is present, second Councilor Green. Council's vote was 4-0-0.

Order 2011-15 – Expenditure of Maintenance Trust Funds for Various Projects – Councilor Farrell made a motion to adopt, second Councilor Freda. Town Manager Caron stated that the majority of the expenses were for library roof repairs which was about \$45,000, closing out the old North Fire Station site to repave the area for \$11,664, improvements at the DPW Garage for \$44,000 and HVAC system repairs around the Town Campus. Chairman O'Keefe asked how the roof at the library was coming on, Town Manager Caron responded it is completed and on budget. **Council's vote was 4-0-0.**

APPROVAL OF MINUTES

Councilor Farrell made a motion to approve the Public Meeting Minutes of 07/11/11, second Councilor Green. Council's vote was 4-0-0.

OTHER BUSINESS

Liaison Reports – Councilor Freda said the Planning Board was anticipating the Woodmont application Sept./Oct.

Board/Committee Appointments/Reappointments –

Resignation of Chuck Tilgner from the Planning Board. **Councilor Farrell made a motion to accept, second Councilor Freda. Council's vote was 4-0-0.**

Appointment of Dana Coons as a Full member to the Planning Board, term to expire 12/31/12. **Councilor Farrell made a motion to accept, second Councilor Freda. Council's vote was 4-0-0.**

Resignation of Karen Goodman from the Trustees of Leach Library. **Councilor Farrell made a motion to accept, second by Councilor Freda. Council's vote was 4-0-0.**

Town Manager Report – Discussion ensued about the date for the Deliberative Session, which can be held between 2/4/12 and 2/11/12. The School Deliberative is Friday, 2/10/11. Councilor Farrell said he thought the intent was to move away from a Saturday meeting to a weeknight. Consensus for the Deliberative Session was to hold it on Monday night 2/6/12 in the Londonderry High School cafeteria.

Reconstruction of South Rd was completed on Friday. Mosquito spraying started at the Town Common on Saturday and Sunday evenings and will continue at all the schools and recreation fields, to be completed by Thursday.

Karen Goodman who was a member of the Trustees of the Leach Library resigned and relocated outside the community. The Council has to appoint a replacement and will receive a recommendation from the Trustees.

He said that Londonderry receives health insurance from the Local Government Center (LGC) and they have received a lot of publicity recently about a Secretary of State Report on their pool risk management programs. The questions that have been raised are the LGC's reserves too high and their business practices. He told the Council that he has been on the board the last 8 yrs; there are adequate reserves to continue to provide health insurance to our employees, any actions taken by the board was vetted through legal counsel with actuary/risk management consultant input. One of the concerns of the Secretary of State is that the reserves are too high and it should be returned to the towns, schools, cities who are members of the LGC. He said they use a measurement called Risk Base Capital, (RBC) which is used by the insurance companies. LGC's RBC is 4.2; one of the recommendations of the Sec. of State was that LGC should go to an equivalent RBC of 2.0. The States that overview risk pools would place pools with an RBC of 2.0 on the watch list for potential insolvency. The next steps include an administrative hearing with the Secretary of State's Office and potentially an appeal to the New Hampshire Supreme Court. Up until 7/1/11 LGC also provided property liability and workers compensation coverage to Londonderry, which were bid out and awarded to Primex to save local tax dollars. The school uses School Care and LGC for their health benefits. Our health programs are adequately funded and all claims submitted by employees will be paid. Councilor Farrell asked the Town Manager if he would be bidding out every year. He responded he did not foresee that but we did bid out our health insurance this past year and had only 2 bidders – Primex and LGC. School Care and none of the private carriers submitted bids. LGC was the most economically priced.

ADJOURNMENT

Councilor Farrell made a motion to adjourn at 9:34P.M., second Councilor Freda. Council's vote was 5-0-0.

Notes and Tapes by: Margo Lapietro **Date:** 08/15/11

Minutes Typed by: Margo Lapietro **Date:** 08/17/11

Approved; Town Council **Date:** 09/12/11